siders that the author was almost wholly unaided by the previous work of others—Ram on Facts and Wills on Circumstantial Evidence did little more than blaze the trail, and even the digest makers have avoided the ground—one is in doubt as to which is the more worthy of admiration, the richness of the harvest or the long and patient toil by which it was produced.

These volumes contain a surprising number of judicial decisions hitherto (for the greater part) practically inaccessible to the profession. But the book is no mere compilation of cases. The author has not only done an immense amount of original investigation, but in his careful deductions from the decisions has formulated and given permanence to many valuable principles. In fact, it is not too much to say that he has added to the existing and available law of evidence almost an entire branch, the usefulness of which can hardly be overestimated.

It may be true that in many jurisdictions the practitioner will experience difficulty in placing some of this matter directly before a jury, although the arguments suggested by it can readily be used; but in the large number of cases tried without juries, and before appellate courts having jurisdiction to review the facts, the book itself will be of great service and will doubtless find its largest field of usefulness.

There are many parts of the work deserving particular commendation. The chapters on Observation (vol. II, ch. XIV) and Memory (vol. II, ch. XV) are excellent examples of true constructive legal work and are scholarly and valuable contributions to the law. Original and ingenious and at the same time most persuasive is the Actor Rule (sec. 705 *et seq.*) as deduced by the author and illustrated by his large and varied collection of authorities. The discussion throughout the book covers so wide a range and includes so remarkable a number of specific topics that it will prove interesting to lawyers in almost every branch of the profession.

Perfect fairness and a desire to present both sides of every question before expressing his own views is a commendable charactristic of the author's method; though in avoiding the habit of the impulsive *doctrinaire* he sometimes errs too much on the side of modesty. His quotations from the opinions are often so numerous as to render his text almost devoid of individual literary style. Much of the quoted matter, while valuable, ought to have been relegated to the notes. It is unfortunate that the author's habitual reverence for judicial and extra-judicial utterance has so often restrained him from setting forth in his own manner the learning which by right of discovery and conquest he has made his own.

The material is elaborately, even minutely, analyzed and classified, and no pains have been spared to make everything in the book readily accessible to the reader.

THE NEGOTIABLE INSTRUMENTS LAW. By JOHN J. CRAWFORD. Third Edition. New York: Baker, Voorhis & Company. 1908. pp. xlviii, 212.

In its principal features, this edition is not unlike its predecessors.[1] Mr. Crawford, as the draftsman of the law, brings to his editorial work unusual qualifications. The statute, reprinted, is that of New York; but a table has been appended, showing the corresponding sections of the Negotiable

[1]For a notice of the Second Edition, see 2 COLUMBIA LAW REVIEW 273.

Instruments Law in those States which have not followed the New York numbering.

In the matter of annotations, the book shows a considerable growth. During the first four years after the enactment of the statute, only about a half-dozen cases were reported as arising under it. In the preface to his second edition, the draftsman pointed to this fact as demonstrating "that the practical working of the law has been satisfactory." Alas for the demonstration! During the next six years, the statute was applied and construed in more than two hundred cases. And, worse yet, the courts in different States have disagreed, at times, in their interpretation of its language.

Whether this unsatisfactory state of things is due to defects in statutory expression, or to errors of judges, or is necessarily attendant upon an experiment in codification, we shall not attempt to discuss, much less to decide, at the present time. We cannot help noting the fact, and confessing to some measure of despondency as we face the future of this statute: a statute which has been enacted by nearly forty jurisdictions, in the high hope of making this branch of commercial law uniform throughout the United States.

A comparison of the notes in this volume with those in other commentaries on the Negotiable Instruments Law, shows that some cases under it have escaped Mr. Crawford's attention; although very few of an important character have been omitted. The value of the notes would be much enhanced by the additional citation of unofficial reports, and by giving the year of each decision.

EFFECTS OF WAR ON PROPERTY. By ALMA LATIFI. London: The Macmillan Co. 1909. pp. vii. 155.

Besides two essays on the pros and cons of the immunity of private property of enemies at sea as seen from the point of view of British interests, the volume contains four essays on the law governing : Property of Enemies and Neutrals on Land, Effects of Conquest on Property, Property of Enemies and Neutrals at Sea, and Exceptions to the Rule of Capture of Property at Sea, respectively. Of the two essays on the immunity of "enemy" property at sea, one is written by Professor Westlake, who undertakes to supplement the reasons advanced by Mr. Latifi against the proposal. Mr. Westlake urges that in passing judgment upon the arguments made in support of "this topsy-turvey policy" there is one fundamental principle underlying all warlike operations by land or sea which must not be overlooked, viz., "that what is struck at primarily is not the enemy's property, but the enemy's trade," and that in so far as an enemy on land can "prevent trade which might create resources" for his opponent, "he is not deterred from doing so by the knowledge that his measures cause damage to individuals." Mr. Latifi examines the various aspects of the proposal very exhaustively from the point of British policy, and concludes that to accept "the change would mark the sunset of England's greatness, and her fall from her high place amongst the nations of the earth."